

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY SMITH,
Petitioner,
v.
FLEMING,
Respondent.

Case No. [24-cv-04439-RFL](#)

ORDER OF DISMISSAL

Mail sent to Petitioner was returned as undeliverable more than 60 days ago because he is no longer in custody. (Dkt. No. 4.) Accordingly, this federal habeas corpus action is DISMISSED without prejudice, because Petitioner failed to keep the Court apprised of his current address pursuant to Civil Local Rule 3-11(b) and because he failed to prosecute this matter, *see* Federal Rule of Civil Procedure 41(b).

Because this dismissal is without prejudice, Petitioner may move to reopen the suit and have proceedings reinstated. Any motion to reopen must have the words MOTION TO REOPEN written on the first page.

The Clerk shall enter judgment in favor of Respondent and close the file.

IT IS SO ORDERED.

Dated: October 4, 2024



RITA F. LIN
United States District Judge